IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14257 of 2004

Between:

Mallavarapu Rayanna, S/o Sowrayya,
D.No.11-5-13, Raghuramnagar, Sathenapalli, Guntur District

..... PETITIONER

AND

1.The Superintendent of Police, Guntur District
2.The Station House Officer, Sathenapalli P.S.,Guntur District
3.Pallapu Reddemma, S/o Lakshmaiah,
R/o Sattenapalli, Near Railway Station, Guntur District
4.Mogili Nagaiah, S/o Gurvaiah,
R/o Sattenapalli, Near Railway Station, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents 1 to 2 in not giving police protection for the petitioner and his property even after given representation dated 24-06-2004 by registering a crime against the respondents 3 & 4 and others is illegal, arbitrary and violation of laws and fundamental rights, consequently direct the respondents 1 to 2 to give police protection to the property measuring 0.87½ cents near Sathenapalli Railway Station by considering the representation dated 24-06-2004 or registering a case against the persons who threatened to dispossess the petitioner.

Counsel for the Petitioner: MR.KOONA REDDY ANJI REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

Counsel for the Respondent Nos.3 and 4: ---

The Court at the admission stage made the following:

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents 1 and 2 in not providing Police protection to the petitioner as well as to his property in pursuance of his representation dated 24.06.2004, is arbitrary and illegal.

The second respondent-Station House Officer, Sathenapalli P.S., Guntur District, filed a counter affidavit dated 16.08.2004 stating that in pursuance of the representation made by the petitioner marking copies to all the higher authorities including the first respondent, an entry was made in the General Diary and the matter was enquired into. During the enquiry, it was found that the allegations made by the petitioner as stated in his representation were incorrect and baseless. It is also found that the dispute between the petitioner and the respondents 3 and 4 is purely civil in nature and therefore the request made by the petitioner for handing over the possession of the property in question, is beyond the jurisdiction of the Police Officials. Accordingly, the petitioner was advised to approach the competent Civil Court for redressal of his grievance. The further claim made by the petitioner that he also made representations prior to 24.06.2004, has been denied. It is also stated that during the enquiry, the alleged threat to the life of the petitioner is also found to be false.

In the light of the averments in the counter affidavit which stood unrebutted since the petitioner did not choose to file any reply

affidavit, the allegations made by the petitioner in the writ petition cannot be accepted. Accordingly recording the statement of the respondents 1 and 2 in the counter affidavit, the writ petition is disposed of. No costs.

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04.11.2004

VGB

To

1.The Superintendent of Police, Guntur District
2.The Station House Officer, Sathenapalli P.S.,Guntur District

3.2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT).

4.2CD copies